

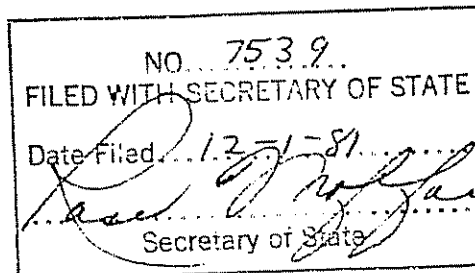
MAINTENANCE  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SAFFORD

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF SAFFORD, hereinafter called "CITY",

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this Agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE;

WHEREAS, the CITY is empowered by Arizona Revised Statutes Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY;

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain operations and maintenance activities be provided on the State Highway System in the CITY. This work shall include, but not be limited to the operation and maintenance of traffic signals and/or highway lighting at the following locations:



US 70 & 20th Avenue  
US 70 & 8th Avenue  
US 70 & 5th Avenue  
US 70 & Jct. US 666 (1st Avenue)

NOW, THEREFORE, in consideration of the mutual covenants herein-  
after to be kept by all parties, it is mutually agreed as follows:

1. The CITY shall set aside sufficient funds and be responsible for all electrical energy costs to operate the traffic signals and/or highway lighting.

2. The STATE shall set aside sufficient funds and be responsible for all operations and maintenance except electrical energy cost; the responsibility of the STATE includes monthly telephone charges for traffic signal interconnect circuits when utilized.

3. Any new installation or any betterment shall be based on a traffic engineering study, and the mutual involvements shall be negotiable.

4. All parties are hereby put on notice that this AGREEMENT is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. THIS AGREEMENT shall remain in force and effect until midnight June 30, 1982, and shall thereafter be automatically renewed for successive periods of one (1) year, unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial expiration date, or of any renewal date hereof, cancelling said Agreement. In event of such notification and upon expiration of the term during which notice is given, this Agreement shall thereupon become of no further force and effect.

6. It is understood that this Agreement will cancel and supersede any previous Agreements for installation, maintenance, and betterment of traffic signals and/or highway lighting on those State Highways which traverse within the boundaries of the CITY.

7. It is understood that the list of locations set forth in this Agreement may be added to, or have deletions made, by Letter Addendum Exhibit "C", with all other conditions set forth remaining in effect.

8. It is understood that upon the termination of this Agreement for any cause whatsoever, all properties which are the subject matter of this Agreement are declared to be property of the Arizona Department of Transportation.

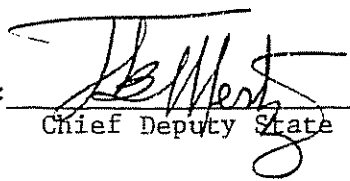
9. Any disposal of properties subject to this Agreement shall be in a manner as otherwise prescribed by law concerning the disposal of public property.

10. This Agreement shall be filed with the Secretary of State and shall become effective upon such filing.

11. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the law of this STATE to enter into this Agreement and that it is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF TRANSPORTATION

By:   
Chief Deputy State Engineer

ATTEST:

CITY OF SAFFORD

Mildred Russell  
City Clerk, Mildred Russell, CMC

By: R. Robert Day  
Title: City Manager

PREAUDITED IN ACCORDANCE  
WITH A.D.O.T. PROCEDURES  
NOV 9 1988  
BY: [Signature]  
EXTERNAL ADOT SECTION

EXHIBIT "C"

LETTER ADDENDUM

In accordance with Paragraph 7 of the Agreement for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF SAFFORD consummated on December 1, 1981 it is agreed by both parties that the following location(s) be added to or deleted from, the existing list of locations to be operated and maintained as set forth in said Agreement.

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF TRANSPORTATION

By: [Signature]  
Chief Deputy State Engineer

CITY OF SAFFORD

By: [Signature]  
Title: City Manager

ATTEST:

[Signature]  
City Clerk, Mildred Russell, CMC

Date Signed: October 26, 1981

MINUTE RECORD OF THE COMMON COUNCIL OF THE CITY OF SAFFORD AT A REGULAR  
MEETING HELD ON THE TWENTY-SIXTH DAY OF OCTOBER 1981  
AT THE CITY HALL AT 7:30 p.m. MST

MEMBERS PRESENT: Mayor Gary Curtis; Vice Mayor Paul Shedd; Councilmembers Carol Macdonald, Victor Ornelas, Edwin Ragland, V.M. Roudebush, and Harold Thompson.

MEMBERS ABSENT: None.

ALSO PRESENT: R. Delbert Self, City Manager; W.R. Richardson, City Attorney; Max Norris, City Engineer; Mike Squire, Gas, Water, Sewer Services Director; Milton Rhea, Chief of Police; William Wells, Planning & Community Development Director; Ernie Garcia, Assistant City Engineer; Renate Von Viebahn, Secretary.

VISITORS: Sam Player, Eastern Arizona Courier; Paul Albrecht, KATO; Mr. & Mrs. Axel Niemer; Dave Stratton; LaMell John; H.D. Owens.

Mayor Curtis established that a quorum was present and called the meeting to order at 7:30 p.m. MST.

The Pledge of Allegiance was given by all persons present.

Copies of the Minutes of the Regular Council Meeting of September 28, 1981, and of the Special Council Meeting of October 26, 1981, at noon, having been sent to each member of the Council prior to the meeting, Mayor Curtis asked if there were any additions, deletions or corrections. There being none, Vice Mayor Shedd moved, seconded by Councilman Thompson, to accept the Minutes of the Regular Council Meeting of September 28, 1981, and the Minutes of the Special Council Meeting of October 26, 1981, at noon, as presented. The motion was carried unanimously, 7:0.

MOTION ADOPTED.

PUBLIC APPEARANCES:

a. Planning & Community Development Director Bill Wells presented to the Council a request on behalf of Mr. Wallace Rogers for approval of the final plat of the Amber Subdivision for conversion to condominiums. He reported that it had been presented to the City's Planning & Zoning Commission on October 15, 1981 and that a recommendation for approval had been sent to the City Council. Mike Squire, Gas, Water, Sewer Services Director, recommended that individual water meters should be required in order to forestall future problems which are likely to arise from one master meter. The City Attorney advised that the City Code be changed to cover rules for water services in the case of conversion, and Mr. Squire requested that all City utilities be added to that change of the City Code.

Councilwoman Macdonald moved, seconded by Councilman Roudebush, to change the City Code to reflect individual metering for City Utilities for conversion of condominiums, town houses, and row houses. The vote was unanimous, 7:0.

MOTION ADOPTED.

City Attorney W.R. Richardson stated that he would prepare the amendments.

Councilman Roudebush moved, seconded by Councilman Ornelas, to approve the final plat for Amber Subdivision as presented. The vote was unanimous, 7:0.

MOTION ADOPTED.

b. Mr. & Mrs. Axel Niemer appeared before the Council to request a Use Permit for placing a mobile home on their property, Lot 77 at 8th Street, between 8th and 9th Avenues. This would enable them to keep an eye on their two businesses, Ricardo's and The Pennypincher thrift-shop. Mr. Wells reported that on October 15, 1981 the Planning & Zoning Commission sent a favorable recommendation to the City Council to approve the Use Permit for a two-year period.

After discussion, Councilman Ragland moved, seconded by Councilman Thompson, to approve the recommendation of the Planning & Zoning Commission to grant the Use Permit to Mr. & Mrs. Axel Niemer for placing of a Mobile Home on Lot 77 at 8th Street, for a period of two years. The vote was unanimous, 7:0.

MOTION ADOPTED.

c. H.D. Owens and LaMell John appeared before the Council in order to present a project initiated by the Arizona Pork Producers Association to consider a site north of the Gila River near Safford for construction of a pork-kill and processing plant. Safford and Coolidge are the two competing plant sites at present. The Council expressed their support of H.D. Owens and LaMell John who have conducted preliminary negotiations with the Pork Producers Association. This would bring employment and good business to the Safford area. Extensive discussion centered on the water services the City would be required to furnish. The basic opinion of the City Council was that the City was able to supply the water needs of the plant but that costs would have to be negotiated and a thorough study of the entire situation made. The City Council directed staff members to meet with the Pork Producers the next day, October 27th, to see if negotiations could be started. The City Attorney advised that the current meeting could be recessed later and reconvened the next day, Tuesday October 27th, so that any action taken would be legal.

POLICE CHIEF'S REPORT FOR THE MONTH OF SEPTEMBER 1981:

Complaints Answered	280
DWI Arrests	8
Moving Citations	59
Repair Orders & Warnings	53
Traffic Accidents Investigated	30
Felony Arrests to County	7
Booked Into Jail	46
Miles Patrolled	8,904
Revoked Drivers License	0
Juvenile Arrests	24



CITY ATTORNEY'S REPORT:

City Attorney W.R. Richardson reported that he requested a new trial date for the Tenth Street Litigation case.

Councilman Ornelas asked whether the strip annexation at the Branding Iron is final, and the City Attorney replied that nothing is final until the Court has ruled on it since there are several suits pending.

GAS, WATER, SEWER SERVICES DIRECTOR'S REPORT:

Mr. Squire had no special report at this meeting.

PLANNING & COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

a. Building Inspector's Report for the month of September 1981:

New Residential:	
Single Family	\$121,900.00
Other Residential:	
Additions and Alterations	2,800.00
Carports & Garages	7,500.00
Other than Residential:	
Business	4,000.00
Storage	<u>5,350.00</u>
Total Value Building Permits	\$141,550.00
 Total Value Building Permits Year to Date	 1,921,903.00
 Total Number Building Inspections	 83
Total Number Fire Inspections	8
Total Number Zoning Inspections	5

CITY ENGINEER'S REPORT:

a. City Engineer Norris reported his findings, acting upon an inquiry at the previous Council meeting, regarding NO PARKING signs on the east side of First Avenue, across from the Casa Manana Restaurant. These signs are rather important, and upon discussion, Councilman Macdonald moved, seconded by Councilman Thompson, to leave the signs in place. The motion was carried unanimously, 7:0.

MOTION ADOPTED.

Police Chief Milton Rhea was instructed to enforce the parking regulations and begin to issue citations for illegal parking.

Councilman Ragland inquired about the synchronization procedures of the traffic lights on Highway 70 and City Engineer M. Norris replied that it is being studied by the Department of Transportation who will issue a report to the Council.

CITY MANAGER'S REPORT:

a. City Manager R. Delbert Self reported that as per Council direction of last meeting he drafted specifications for a police vehicle to be purchased, and he expects bids to be forthcoming.

b. Intergovernmental Agreement with Arizona Department of Transportation for Maintenance of Signalization and Illumination at various locations on Highway 70. Mr. Self presented this Agreement to the Council and reported that the City Attorney had studied it and found it to be in order. The Agreement, dated October 7, 1981, will be in force until June 30, 1982. There was discussion.

Vice Mayor Shedd moved, seconded by Councilman Thompson, to authorize the City Manager to enter into this Agreement with the Arizona Department of Transportation. The vote was unanimous, 7:0.

MOTION ADOPTED.

c. City Manager R.D. Self informed the Council about the Department of Transportation's invitation to cities and towns to request their share of the Local Government Transportation Assistance Fund, which distributes monies received by the Arizona State Lottery. Mr. Self requested the Council to approve drafting of a Resolution to apply for the Local Government Transportation Assistance Funds. This Resolution would then be presented to the Council on November 9, 1981 at the next Council meeting, for approval. These monies will be used for street repair and maintenance.

After discussion, Councilman Ragland moved, seconded by Councilman Shedd, to draft a Resolution in request of the Local Government Transportation Assistance Funds. The vote was unanimous, 7:0.

MOTION ADOPTED.

PAYMENT OF INVOICES:

Invoices were presented to the Council for consideration to be drawn from the following funds:

General Fund	\$ 36,059.48
Water Services	66,449.70
Gas Services	39,106.65
Electric Services	26,606.76
Sewer Services	2,839.28
Glenn Meadows Park (A.O.R.C.)	648.15
Mt. Graham Municipal Golf Course	3,518.65
Safford Municipal Airport	41.61
Library Trust	396.09
G.O. Bonds - 1967 Sewer Improvement	550.00
Firemen's Relief-Pension Trust	400.00
Total	\$176,616.37

Councilman Ragland moved, seconded by Councilman Ornelas, to pay the invoices as presented. The vote was unanimous, 7:0.

MOTION ADOPTED.

Mayor Curtis read a letter by Governor Babbitt presenting the City of Safford with the 1981 Energy Conscious Community Award of Participation. The community's effort will be publicly recognized in a formal award ceremony.

At 9:35 p.m. MST., the meeting was formally recessed by the Mayor until 7 p.m. on Tuesday, October 27, 1981.

Continuation of October 26, 1981 Regular Council Meeting on October 27, 1981:

City Manager R.D. Self reported to the Council that on October 27th at 2 p.m. a meeting took place between the representatives of the Pork Producers Association and City and County staff as well as representatives from BLM, H.D. Owens, and LaMell John. Mr. Self stated that the City staff presented to the Pork Producers the following proposal for the installation of a 12" water line of approximately 6,000 feet length:

The City's Out-of-Pocket Costs would be \$80,000. \$30,000 up front cash would be paid by the Pork Producers Association, the balance of \$20,000 owed to the City to be amortized for ten years by way of a \$1,400 monthly billing.

After extensive discussion in which several Councilmembers, and especially Councilman Thompson, stressed the importance of obtaining accurate financial and technical data from the prospective customers, the Council reached consensus of approving Staff's proposal.

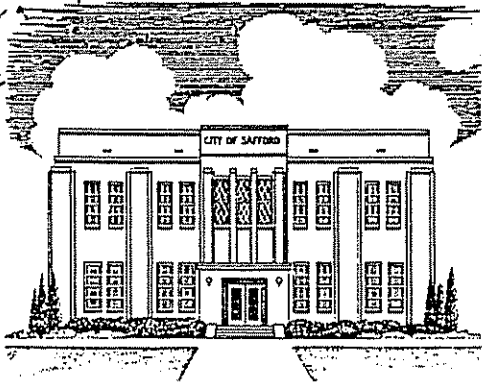
There being no further business, the meeting was adjourned at 7:50 p.m. MST.

APPROVED:

\_\_\_\_\_  
Gary D. Curtis - Mayor

ATTEST:

\_\_\_\_\_  
Mildred Russell - City Clerk



## THE CITY OF SAFFORD

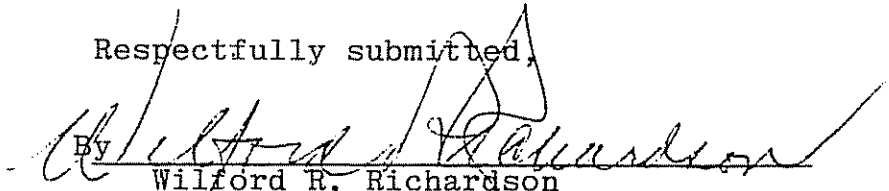
### CITY ATTORNEY'S DETERMINATION

I, Wilford R. Richardson, duly appointed City Attorney for the City of Safford, do hereby certify that the City of Safford is authorized under Section 11-951 and Section 11-954, Arizona Revised Statutes, to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the maintenance of traffic signals and/or highway lighting to which this Exhibit is appended; and

I further certify that the Agreement is in proper form.

Respectfully submitted,

By

  
Wilford R. Richardson  
City Attorney



OFFICE OF THE  
**Attorney General**

1801 WEST JEFFERSON STREET  
FOURTH FLOOR  
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN  
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 81-655, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 19th day of November, 1981.

ROBERT K. CORBIN  
Attorney General

*James R. Holubauer*  
Assistant Attorney General  
Transportation Division